

EXHIBIT D

From: [Ward, Jamie](#)
To: [Abraham S. Kaplan](#); [Nate Greene](#); [Roxanne A. Russell](#); [Frey, Timothy](#); [Bloom, Michael](#); [Loftus, Julie](#); [Montgomery, Michael](#)
Cc: [Andrew Parker](#); [Joe Pull](#); [Lori Johnson](#); [Amanda Oliver](#); [Jill Thorvig](#)
Subject: RE: Smartmatic v. Lindell
Date: Monday, October 2, 2023 9:24:36 AM
Attachments: [image001.png](#)
[image003.png](#)

Abe,

We are checking to see if those dates work for Mr. Long. We have not received any confirmation of the dates we've provided for Eduardo Correia or Shawn Pollock – please confirm today whether Defendants still intend to take those depositions and on which of the provided dates, or we will assume Defendants will no longer seek testimony from those individuals.

Best,
Jamie



Bio

Jamie N. Ward
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From: Abraham S. Kaplan <Kaplan@parkerdk.com>
Sent: Friday, September 29, 2023 1:53 PM
To: Ward, Jamie <JWard@beneschlaw.com>; Nate Greene <Greene@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Correct, thank you.



ABRAHAM S. KAPLAN
ATTORNEY

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612 355 4100

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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Friday, September 29, 2023 1:52 PM


To: Abraham S. Kaplan <Kaplan@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Abe,

I assume you meant October 17-18?

<div style="border: 1px solid #ccc; width: 100px; height: 100px; margin-bottom: 10px; display: flex; align-items: center; justify-content: center;"></div> <p>Bio</p>	<p>Jamie N. Ward Associate Litigation Benesch Friedlander Coplan & Aronoff LLP</p> <p>t: 312.212.4962 m: 510.676.7928 JWard@beneschlaw.com www.beneschlaw.com 71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637</p> <p>Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice</p>
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From: Abraham S. Kaplan <Kaplan@parkerdk.com>

Sent: Friday, September 29, 2023 1:23 PM

To: Ward, Jamie <JWard@beneschlaw.com>; Nate Greene <Greene@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Jamie,

Defendants are not available for the James Long deposition on those dates, defendants request September 17-18.



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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Wednesday, September 27, 2023 10:07 PM

To: Nate Greene <Greene@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Nate,

Following up on my email below – we have not received any confirmation of the dates we provided for Eduardo Correia, James Long, Ed Smith, and Shawn Pollock. Given that many of these dates are less than two weeks away, we need confirmation by noon this Friday so that witnesses can make travel arrangements.

With regard to Pedro Mugica, we can offer October 16-17. Let us know if this date works.

Finally, with regard to Bob Cook, we had previously discussed October 3. Due to a scheduling conflict, we will need to move Mr. Cook's deposition to the following week. He can be available October 12, again in Boca Raton or remote, as previously discussed.

Best,
Jamie



[Bio](#)

Jamie N. Ward
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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Wednesday, September 20, 2023 1:34 PM

To: Nate Greene <Greene@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Thanks, Nate.

We can also offer the following dates, all in Chicago:

Eduardo Correia – Oct. 10, 11

James Long – Oct. 9-10

Edwin Smith – Oct. 5, 16

Shawn Pollock – Oct. 17, 18

I anticipate sending dates over for Pedro Mugica within the next day or so.

Best,
Jamie



[Bio](#)

Jamie N. Ward
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From: Nate Greene <Greene@parkerdk.com>

Sent: Tuesday, September 19, 2023 2:43 PM

To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Hi Jamie,

Mr. Cook is confirmed for October 3; we will have the details nailed down and to you shortly.

Regarding Ms. Saba on October 20 and Antonio Mugica moving back to September 28-29 in Chicago, we are checking on that and will have an answer for you on both very shortly.

Thanks,



NATHANIEL R. GREENE
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He/Him/His

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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Monday, September 18, 2023 4:11 PM

To: Nate Greene <Greene@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell

<Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael
<MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael
<MMontgomery@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson
<Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Hi Nate,

October 3 will work for Mr. Cook's deposition. As we've previously discussed, this deposition would take place in Boca Raton or remotely due to Mr. Cook's health status. Let me know which you would prefer.

Additionally, with regard to Samira Saba's deposition, we can offer October 20 in Chicago. Let us know if this date works for you.

Finally, with regard to Antonio Mugica's deposition, Mr. Mugica's travel schedule has slightly changed and we would like to suggest shifting one day back, from the previously discussed September 27-28 to September 28-29, in Chicago. Let us know if this change would work for you.

Best,
Jamie

<div data-bbox="203 1045 438 1087" data-label="Image"></div> <div data-bbox="203 1104 250 1134" data-label="Text"><p>Bio</p></div>	<div data-bbox="467 947 924 1050" data-label="Text"><p>Jamie N. Ward Associate Litigation Benesch Friedlander Coplan & Aronoff LLP</p></div> <div data-bbox="467 1068 1109 1171" data-label="Text"><p>t: 312.212.4962 m: 510.676.7928 JWard@beneschlaw.com www.beneschlaw.com 71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637</p></div> <div data-bbox="467 1201 1442 1232" data-label="Text"><p>Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice</p></div>
--	--

From: Nate Greene <Greene@parkerdk.com>
Sent: Monday, September 18, 2023 2:24 PM
To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell
<Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael
<MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael
<MMontgomery@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson
<Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Hi Jamie,

I'm following up on the below email from a few weeks ago. We are seeking to take Mr. Cook's deposition on October 3 or 4. Please advise whether Mr. Cook is available.

Thanks,

NATHANIEL R. GREENE

ATTORNEY

He/Him/His

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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Friday, September 1, 2023 11:26 AM

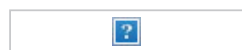
To: Nate Greene <Greene@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Thanks, Nate.

I'll inquire with Mr. Cook and get back to you.



[Bio](#)

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From: Nate Greene <Greene@parkerdk.com>

Sent: Friday, September 1, 2023 11:25 AM

To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Hi Jamie,

We can confirm Roger Pinate Jr. for September 13 and 14, as previously discussed.

Regarding Mr. Cook, we anticipate that, given the schedule for other depositions, we would likely take his deposition in October. Could you provide his availability in October?

Thanks,



NATHANIEL R. GREENE
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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Wednesday, August 30, 2023 2:00 PM

To: Nate Greene <Greene@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Hi Nate,

Let me know if you can confirm the dates for Roger Pinate Jr. – we'd like to get that set as soon as possible.

For Pedro Mugica, I wanted to make a clarification – Mr. Mugica is available starting in the afternoon on 9/14, and then can be available for the full day on 9/15.

Finally, let us know if you have particular dates in mind for Mr. Cook.

Thanks,
Jamie



[Bio](#)

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From: Nate Greene <Greene@parkerdk.com>

Sent: Monday, August 28, 2023 11:29 AM

To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Hi Jamie,

The Pinate clarification does help, as our understanding was not correct. In light of this correction, we are double-checking on availability and will let you know as soon as possible. Regarding Antonio Mugica, we agree to do both his 30(b)(6) deposition and his individual deposition on September 27-28. However, please note that as previously advised we intend to take his 30(b)(6) deposition first.

Additionally, regarding Pedro Mugica and Robert Cook's depositions: given that Mr. Mugica is a 30(b)(6) designee on several topics, it is at least possible (if not likely) that we will need to go into the second day to complete both the 30(b)(6) and individual depositions. Considering this, we feel it would be best for Mr. Cook, given his special circumstances, that an alternative date for his deposition be selected. Please advise of alternate dates for Mr. Cook at your convenience.

Sincerely,



NATHANIEL R. GREENE
ATTORNEY

He/Him/His

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This is a confidential communication from Parker Daniels Kibort LLC to the intended recipient. If you received this communication by mistake, please delete it and notify the sender immediately.

From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Friday, August 25, 2023 6:35 PM

To: Nate Greene <Greene@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: Re: Smartmatic v. Lindell:

Hi Nate,

Roger Pinate Jr. is Smartmatic's President, and is the individual we have named as Roger Pinate in our 30(b)(6) objections. Roger Vicente Pinate (also known as Roger Pinate Sr.) is Smartmatic's CFO and has been designated on two topics. Hopefully that clarification helps.

With regard to Mr. Mugica, his availability is extremely limited and the dates we have provided are his available dates prior to the close of fact discovery. It is unlikely that Mr. Mugica will be available in the United States at a later date prior to the close of fact discovery. Mr. Mugica is located in the United Kingdom and is traveling to the United States specifically for deposition. We have discussed on several occasions that individual depositions would be scheduled contiguously with any 30b6 testimony, and will not agree to set Mr. Mugica's 30b6 deposition separately from his individual deposition.

Best,
Jamie



[Bio](#)

Jamie N. Ward
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Benesch Friedlander Coplan & Aronoff LLP

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From: Nate Greene <Greene@parkerdk.com>

Sent: Friday, August 25, 2023 5:16:21 PM

To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Hi Jamie,

We have still not heard back from you regarding whether Roger Pinate Jr. is the same person as your designee Roger Vicente Pinate. Given that Roger Vicente Pinate is the designee on only two topics (one of which is both fairly narrow and split with Ms. Saba) whereas Roger Pinate is the designee on five topics, we need to know that information for planning reasons before we can commit to the specific dates offered. This is particularly the case given that we have just scheduled Pedro Mugica's deposition for September 14 (and Robert Cook's deposition for September 15) in Boca Raton. Once you have advised us of this, we will be in a position to advise you whether we can confirm those dates.

With regard to Antonio Mugica, we are amenable to the dates you proposed in New York. However, we intend to take Mr. Mugica's 30(b)(6) deposition first and defer his individual deposition to a later date.

Sincerely,

Nate



NATHANIEL R. GREENE

ATTORNEY

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From: Nate Greene

Sent: Friday, August 25, 2023 10:19 AM

To: 'Ward, Jamie' <JWard@beneschlaw.com>; Abraham S. Kaplan <kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <thorvig@parkerdk.com>

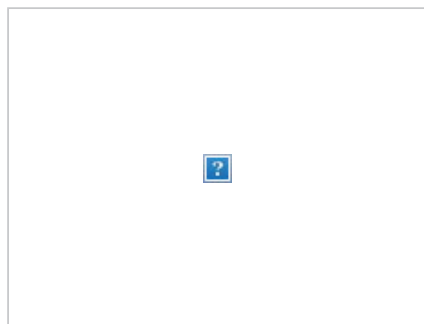
Subject: RE: Smartmatic v. Lindell:

Hi Jamie,

In your email below, you advise of the deposition availability of "Roger Pinate Jr.," including for his 30(b)(6) deposition. Is the Roger Pinate Jr. in your email below the same person as the "Roger Vicente Piñate" you designated in Plaintiffs' responses to Defendants' Rule 30(b)(6) notice (*see, e.g.*, Response to Topic #11)?

Thank you,

Nate



From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Wednesday, August 23, 2023 8:44 PM

To: Abraham S. Kaplan <Kaplan@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy

<TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Abe,

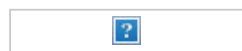
I have confirmed that Roger Pinate Jr. will likely be abroad late into October. Given our case schedule, Mr. Pinate can make himself available in New York on September 13 and 14. We would propose that his individual deposition take place September 13, and to the extent that additional time is needed for his 30(b)(6) testimony, he can be available the morning of September 14.

With regard to Antonio Mugica, Mr. Mugica is available in New York on September 27 and 28. Again, we would propose that his individual deposition take place September 27, and to the extent that additional time is needed for his 30(b)(6) testimony, he can be available the morning of September 28.

Both Mr. Pinate and Mr. Mugica have extremely limited availability, so please confirm these dates by close of business on Friday.

Additionally, please provide confirmation for the dates for Pedro Mugica and Robert Cook that you reference below by close of business tomorrow.

Best,
 Jamie



[Bio](#)

Jamie N. Ward
 Associate | Litigation
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From: Abraham S. Kaplan <Kaplan@parkerdk.com>
Sent: Thursday, August 17, 2023 2:22 PM
To: Ward, Jamie <JWard@beneschlaw.com>; Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Jamie,

For Roger Pinate Jr., starting from what date in October is he available for a deposition?

Regarding Pedro Mugica and Robert Cook, we will likely schedule Pedro Mugica for September 14, and Robert Cook for September 15. I will confirm shortly.



From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Thursday, August 17, 2023 10:11 AM

To: Roxanne A. Russell <Russell@parkerdk.com>; Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Counsel,

With regard to the deposition of Roger Pinate Jr., we have been made aware that Mr. Pinate will be abroad in Asia for the month of September into early October and will likely not have availability in this time frame. To avoid scheduling issues, we would propose that Mr. Pinate's deposition take place in Chicago between August 28-31. Please let me know if a date in this range would work for Defendants.

Additionally, Pedro Mugica, who Smartmatic has identified as one of its 30(b)(6) designees, will also be located abroad in Asia in September and October and will have very limited availability. However, he will be available in Boca Raton, Florida, September 11-12 and 14-15. Please let me know if these dates work for Defendants. To the extent that Defendants intend to reschedule the deposition of Bob Cook, who is also located in Boca Raton and is unable to easily travel due to medical reasons, we can work with Defendants to schedule that deposition at or around the same time to minimize counsel travel.

Please let me know if these dates work by Monday, August 21.

Best,
Jamie



[Bio](#)

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Associate | Litigation
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I

From: Roxanne A. Russell <Russell@parkerdk.com>

Sent: Friday, August 11, 2023 6:42 PM

To: Frey, Timothy <TFrey@beneschlaw.com>; Bloom, Michael <MBloom@beneschlaw.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>; Amanda Oliver <Oliver@parkerdk.com>; Cassandra Wolfgram <Wolfgram@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Tim ~

Thank you all for time today as well, and for confirming Plaintiffs' availability for Patrick Byrne's deposition on August 28 in Washington DC. We will follow up with Mr. Byrne's counsel and forward an amended notice as soon as possible.

In further follow up to our call, would you please review the following deposition that have been noticed and the status per our call, advise if you concur with the following or revisions needed.

The following depositions are going forward on their scheduled dates:

8/15 – Kevin Shelly
8/16 – Robert Zeidman*
8/18 – Conan Hayes
8/22 – Robert Roepke
8/24 – Todd Carter
8/25 – Navid Keshavarz-Nia
8/28 – Patrick Byrne

Depositions agreed to not going forward – to be re-noticed:-

8/15 – Dawn Curtis
8/21 – Smartmatic 30(b)(6)
8/21 – Michael Lindell
8/22 – Smartmatic 30(b)(6)
8/22 – MyPillow 30(B)(6)
8/23 – Smartmatic 30(b)(6)
8/23 – Lindell Management 30(b)(6)

Depositions that Plaintiffs will follow up on next week re status:

8/25 – Jim Furlong
8/25 – Brannon Howse
8/25 – Mary Fanning

Depositions that Defendants will follow up on next week re status:

8/18 – Alan Duke
8/23 – Thomas McInerney
8/24 – Shiva Ayyadurai
8/25 – LA County Registrar

Could please advise of the locale of Mr. Zeidman's deposition on August 16th, along with a notice, so that we can

make the appropriate arrangements? Much appreciated.

Kind regards,
Roxanne



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From: Frey, Timothy <TFrey@beneschlaw.com>

Sent: Friday, August 11, 2023 5:55 PM

To: Roxanne A. Russell <Russell@parkerdk.com>; Bloom, Michael <MBloom@beneschlaw.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Hi all,

Thank you for your time this afternoon. I can confirm that Smartmatic can do 8/28 for the deposition of Mr. Byrne.

Best,

Tim



[vCard](#) [Bio](#)

Timothy M. Frey
Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP

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From: Roxanne A. Russell <Russell@parkerdk.com>

Sent: Friday, August 11, 2023 12:38 PM

To: Bloom, Michael <MBloom@beneschlaw.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie

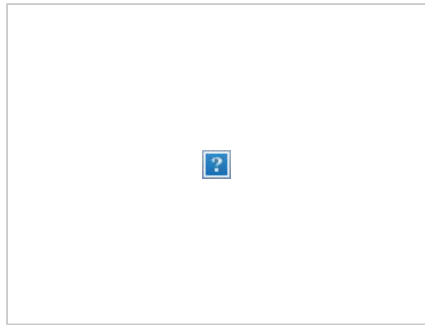
<JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Mike ~

I just sent the invite and will include it here as well.

<https://us02web.zoom.us/j/82415230251?pwd=ODI5Y25UZjJ1SjVETzlPbkpNamtMUT09>
Meeting ID: 824 1523 0251
Passcode: 587701

Kind regards,
Roxanne



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From: Bloom, Michael <MBloom@beneschlaw.com>
Sent: Friday, August 11, 2023 11:48 AM
To: Roxanne A. Russell <Russell@parkerdk.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>
Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>
Subject: RE: Smartmatic v. Lindell:

Great. Please invite all of the Benesch attorneys on this message, though only a subset will attend.



Michael E. Bloom
Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP
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From: Roxanne A. Russell <Russell@parkerdk.com>

Sent: Friday, August 11, 2023 11:25 AM

To: Bloom, Michael <MBloom@beneschlaw.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

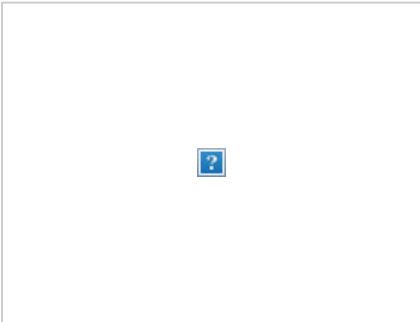
Subject: RE: Smartmatic v. Lindell:

Mike ~

Yes, 4:30 p.m. will work for us. I will send an invite for the call-in, please let me know who that invite should be sent if not already on this email so that I don't miss anyone.

Thank you.

Kind regards,
Roxanne



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From: Bloom, Michael <MBloom@beneschlaw.com>

Sent: Friday, August 11, 2023 10:17 AM

To: Roxanne A. Russell <Russell@parkerdk.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

Subject: RE: Smartmatic v. Lindell:

Roxanne,

We have a conflict at 2 pm, and we think it makes sense to schedule the call for after the 3 pm IDR

hearing. Would 430 pm work for you all?

Mike



Michael E. Bloom
Partner | Litigation
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From: Roxanne A. Russell <Russell@parkerdk.com>

Sent: Friday, August 11, 2023 9:23 AM

To: Bloom, Michael <MBloom@beneschlaw.com>; Ward, Jamie <JWard@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>; Frey, Timothy <TFrey@beneschlaw.com>

Cc: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

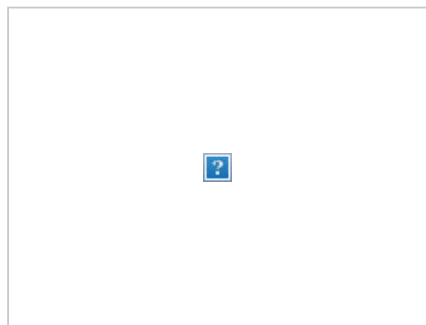
Subject: RE: Smartmatic v. Lindell:

Mike ~

I am proposing a call at 2:00 p.m. , please let me know if that will work for your office.

Thank you.

Best,
Roxanne



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From: Bloom, Michael <MBloom@beneschlaw.com>

Sent: Thursday, August 10, 2023 8:39 PM

To: Andrew Parker <Parker@parkerdk.com>; Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan

<Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>
Cc: Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>
Subject: Re: Smartmatic v. Lindell: J. Long, R. Pinate Jr. and R. Pinate Sr. Depositions

A call sounds like a great idea. Thanks Andrew.



Michael E. Bloom
Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP

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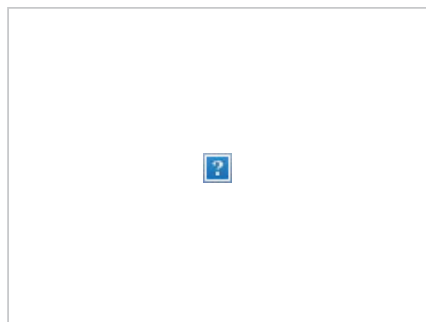
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From: Andrew Parker <Parker@parkerdk.com>
Sent: Thursday, August 10, 2023 6:41:16 PM
To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>
Cc: Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>
Subject: RE: Smartmatic v. Lindell: J. Long, R. Pinate Jr. and R. Pinate Sr. Depositions

Well maybe I am confused making my response confusing, but it is my understanding that while we may have been given dates in the July 31 email from Mike Bloom for the individual depositions of the personnel listed, we did not know who was going to be your 30b6 designations until two days ago. Also I was attempting to accommodate your folks by having the questioning occur on the same day, not 1, 2, or 3 days apart which is what Mike may have meant by "around the same time". I was seeking clarification because Mike's email was not clear to me. The prime example in fact is Mr. Mugica. Note that he is one of the designated 30b6 deponents to be deposed on August 21, 22, or 23 so I assume we can take his individual deposition when he sits for that on the same day. I wanted to understand why you wanted to look at the week before on a separate day to have him sit twice which is why I asked.

As you say in your note, regardless, I suggested to your colleague, Mr. Frey, that we have a call to discuss all deposition scheduling and compare notes so that we are all on the same page. He agreed. Would you like to join? I suggest tomorrow. I will have Roxanne of our office reach out to set the time. Please let me know if that works. We can discuss the Long and Pinates' depositions at that time and again I would suggest simply doing their depositions when they sit for the 30b6.



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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Thursday, August 10, 2023 5:28 PM

To: Andrew Parker <Parker@parkerdk.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

Cc: Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Subject: RE: Smartmatic v. Lindell: J. Long, R. Pinate Jr. and R. Pinate Sr. Depositions

Andrew,

Your response is, frankly, confusing. On July 31, Mike Bloom explicitly confirmed to you via email what had already been discussed between the parties in a meet and confer the previous week:

Also, as discussed at the parties' meet and confer last week concerning Defendants' 30(b)(6) deposition of Smartmatic, the vast majority of individuals whom Smartmatic intends to designate as corporate representatives have also been noticed by Defendants as deponents in their individual capacities. **As such, and for the convenience of the witnesses who will be traveling from international locations to Chicago, Smartmatic proposes that Defendants examine Smartmatic's corporate designees about their designated 30(b)(6) topics at or around the same time as their depositions in their individual capacities.**

I've attached that email here for your convenience. Accordingly, Defendants have been in possession of Smartmatic's position on this issue for some time.

Moreover, if Defendants were unsure about Smartmatic's position on this issue, it is unclear why you could not say as much in response to my three emails this week asking for confirmation of Mr. Mugica's deposition date.

Regardless, given Defendants' delay, we will need to reschedule and provide later dates for Mr. Mugica's deposition. Please confirm the dates we've provided for James Long, Roger Pinate Jr., and Roger Pinate Sr.

Best,
Jamie



[Bio](#)

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From: Andrew Parker <Parker@parkerdk.com>

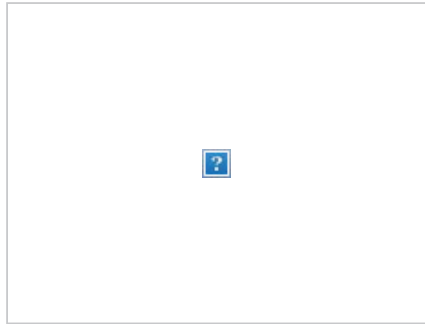
Sent: Thursday, August 10, 2023 4:52 PM

To: Ward, Jamie <JWard@beneschlaw.com>; Abraham S. Kaplan <Kaplan@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

Cc: Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Subject: RE: Smartmatic v. Lindell: J. Long, R. Pinate Jr. and R. Pinate Sr. Depositions

Again, Jamie what is your position regarding having the 30b6 witnesses sit for their personal deposition on the same day to streamline discovery if possible? Hopefully this takes care of your inquiry. We are not available on those dates otherwise.



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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Thursday, August 10, 2023 3:58 PM

To: Abraham S. Kaplan <Kaplan@parkerdk.com>; Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

Cc: Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Subject: Smartmatic v. Lindell: J. Long, R. Pinate Jr. and R. Pinate Sr. Depositions

Counsel,

Following up again on the below, with regard to the depositions of James Long, Roger Pinate Jr., and Roger Pinate Sr., for which Smartmatic has provided available dates the week of August 22, please confirm those dates by close of business today. Mr. Pinate Jr. and Mr. Pinate Sr. are both traveling internationally and need notice to make arrangements.

Best,
Jamie

Jamie N. Ward
Associate | Litigation



[Bio](#)

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From: Ward, Jamie <JWard@beneschlaw.com>

Sent: Monday, August 7, 2023 11:00 PM

To: Abraham S. Kaplan <Kaplan@parkerdk.com>; Andrew Parker <Parker@parkerdk.com>; Joe Pull <Pull@parkerdk.com>; Jill Thorvig <Thorvig@parkerdk.com>; Roxanne A. Russell <Russell@parkerdk.com>; Nate Greene <Greene@parkerdk.com>; Lori Johnson <Johnson@parkerdk.com>

Cc: Bloom, Michael <MBloom@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Montgomery, Michael <MMontgomery@beneschlaw.com>

Subject: Smartmatic v. Lindell: Response to 30(b)(6) Notice of Deposition

Counsel,

Please see attached Plaintiffs' Omnibus Responses and Objections to Defendants' 30(b)(6) Notices of Deposition.

With regard to the scheduling of Smartmatic's witnesses for their individual depositions, we have not received confirmation of the proposed date for any individual aside from Edwin Smith. Smartmatic's deponents are largely international and require some advance notice to plan travel. Smartmatic had offered July 14 or 15 for Eduardo Correia's deposition, but given Defendants' delay in confirming this date, Mr. Correia is no longer available. We will provide additional dates for Mr. Correia shortly.

Smartmatic has provided dates for three additional Smartmatic deponents next week – Kevin Shelly, Robert Cook, and Antonio Mugica. In order to proceed with these depositions next week, Defendants must confirm these dates by close of business on Wednesday, August 9 to allow the deponents sufficient time to make travel arrangements.

Finally, with regard to the depositions of James Long, Roger Pinate Jr., and Roger Pinate Sr., for which Smartmatic has provided available dates the week of August 22, please confirm those dates by close of business on Thursday, August 10.

Best,
Jamie



[Bio](#)

Jamie N. Ward

Associate | Litigation

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